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L37.*

THE
Liberty and Property
OF
BRITISH SUBJECTS
ASSERTED:

In a LETTER from
An ASSEMBLY-MAN in Carolina,
To his Friend in LONDON.

*Protect us mighty Providence!
What would these ***** have?
First they would bribe us without Pence,
Deceive us without common Sense,
And without Power enslave.*

Earl of Dorset.

L O N D O N:

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THE
PREFACE.

THE following Letter being read one Day over a Bottle, where I happen'd to make one of the Company, seem'd to express such a true Spirit of Liberty and Love to Mankind, that the Question was immediately put, Why should it not be printed? We all agreeing that it could not reasonably give any Offence, and might be entertaining; it fell to my Lot to introduce it to the Publick.

So much by way of Introduction, and now for the Letter it self, which upon second reading gave me such Pleasure, that I dream't all Night of nothing but Liberty and Property; and had as it were a Vision of all the great Assertors of them, from the ancient *Greek and Roman Free States,*

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to the Time of our own glorious Revolution. I heard *Solon* crying: O my Country! my dear Country! as when he was about leaving *Athens* upon the Usurpation of *Pisistratus*. I saw the excellent *Socrates* dying a Martyr to Liberty, by the Command of his Scholar *Critias*, and the rest of the thirty Tyrants. I without Difficulty follow'd *Xenophon*, and his ten thousand gallant Countrymen in their March of above 1000 Miles, and that too, in the Face of more than 400,000 *Persians*, who vainly endeavour'd to oppose these Sons of Liberty. I had a lively Representation of the Battles of *Salamis*, *Platea* and *Marathon*, and many other glorious Struggles for the old *Grecian* Liberty. The *Romans* next appear'd contending for it; from the first *Brutus*, where it took its Rise, I had a View of the *Camilli*, *Manlii*, *Fabii*, and the *Scipio's*, to the last *Brutus*, where we may properly say it ended; for unhappy *Germanicus* lived not to make a Stand for Liberty, the Friends of Tyranny taking care to destroy him as soon as they but suspected his generous Principles. Then methought I heard *Tacitus* crying out, * *Pl. bs sordida Circo & Theatris sueta. Quam*

* Annal. L. 3.

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inops Italia, Plebs urbana imbellis, nihil in exercitibus validum præter externum. Which is as much as to say in plain English; Those who used to dispose of Kingdoms and Provinces are now busied only in Opera's and Masquerades; and that People who never found any Enterprize above their Spirit to undertake, and Power to accomplish, with their Liberty, have lost their Vigor and Virtue. It would swell these Sheets too much, was I to relate all the particulars of this Vision; and few or none surely are ignorant of the glorious Struggles that have been made for Liberty in this Nation; In short, the old Grecian and Roman Notions of it are hardly to be found in any other Country, and none have so much Reason to boast its Enjoyment: Tho' some Persons have made it a Pretence for ill Purposes, yet 'tis what all true *Englishmen* must still hope to enjoy, since there is nothing that they are naturally more fond of. This Consideration (one would think) should perswade all disinterested and unprejudiced Persons of the Reasonableness of the following Letter, since 'tis very contradictory both to Virtue and Justice, whilst we are tenacious of Liberty our selves, to see our fellow Subjects deprived of it, without the greatest Concern, and Reluctance. And tho' the Climate of *Carolina* is,

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is, we are told, much the same with *Italy*; yet as the Inhabitants are at present entirely Strangers to Popery and Priestcraft, why should they be thought to partake more of the Nature of the base modern *Italians*, than of the illustrious old *Romans*? These generous Patriots of Liberty afford ample Instructions in the Matter we are now speaking of; for, whilst they retain'd their ancient Virtue, they were not content with enjoying Freedom themselves only, but carried it wherever their Eagles flew; their Conquests as well as their Colonies were enfranchised by them; and their being Vanquishers was a Misfortune to none but Tyrants.

What have We been fighting and contending for these 30 Years, but what these industrious Planters and Merchants now desire? And shall we be anxious not only for the Liberty of *England*, but of all *Europe*, and not allow our Brethren a Title to it, because alas! they are settled in *America*? Or do we imagine that the generous Nature and Spirit of *Englishmen* was damp't in their Passage thro' the Ocean? If this be the Case, we need only attend to the short Account that is hereafter given of them to find Reason for more favourable Sentiments.

Caro-

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Carolina is situated between 29 and 36 Degrees of *Northern* Latitude, upon that Circle of the Earth that affords Wine, Oil, Fruit, Grain, Silk, and most other rich Commodities; and is said to have been first discover'd by Sir *Sebastian Cabot*, (a Native of *Bristol* by *Venetian* Parents,) who call'd it *Carolina*, from the Name of his Majesty King *Charles I.* (which is what the *French* likewise arrogate, as done in honour of their *Charles IX.*) but the Truth of this Relation is greatly suspected: However it is certainly the *Northern* Part of that Region, where *John De Lion* a *Spaniard* landed in the Year 1512; and gave the Country the Name of *Florida*, from the perpetual Spring which it seemed to be blest'd with.

Eight Years afterwards, viz. A. D. 1520, the *Spaniards* sent *Vaquez de Ayllon* thither, but to little or no Purpose: And, in 1526, *Pamphilio Narvesi*; who, with his Companions, was starved to Death: The Fate of *Ferdinando Soto*, who follow'd him ten Years after, was much the same; for tho' he brought 900 Foot and 500 Horse with him, yet he and most of his Men were destroy'd either by Want or Sicknes, or were kill'd by the *Indians*; the Remnant, led by *Lewis Moscos*, escaping with great difficulty. These ill Successes

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cesses made the *Spaniards* desist from their Attempts in *Carolina*.

The next who came were the *French* under *John Ribaut*, in the Reign of *Charles IX.* being sent by the famous Admiral *Coligny* with two Ships : These were the first of any European Nations who made a Settlement in this Country ; but for want of Supplies, &c. (the Civil Wars then raging in *France*) they return'd Home again : Two Years after, Peace being made, *Coligny* procured other Ships to be sent to this Country, under the Command of *Lewis Laudoner*, who finding no Mines, and his Provisions being almost spent, resolved to return Home also ; but as he was preparing to depart, *John Ribaut* arrived with three Ships more, which procured them a kind Reception from the *Indians*, who promised to conduct them to the *Apalatean* Mountains bordering on *Virginia*, where they expected to discover Mines : And thus the *French* conceiv'd great Hopes of this their Settlement, when the *Spaniards* under the Command of *Peter Melanda*, arriving with a Squadron of Ships and Forces, drove them from their Forts, kill'd *Ribaut* and 600 of his Men, after having promised to give them Quarter, and forced *Laudoner* and his Companions to quit their Settlement and return Home.

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Home. But not long afterwards *Dé Gorgues*, a French Gentleman, at his own Expence, fitted out three stout Ships; and with 280 Men sailed to *Carolina*; where he re-took the Fort, and put all the *Spaniards* to the Sword, and destroyed all the rest of the Forts and Garrisons, being assisted by two of the *Indian* Kings, because of the Aversion they had to the *Spaniards*. After this the *French* travel'd towards the Mountains, and are said to have converted several *Indians*; but we have no Account of their making any Settlement here, or of the *Spaniards* endeavouring to recover the Country: So that it probably lay deserted by all *Europeans* from the Year 1567 till 1622, when under the Reign of *Charles II.* several *English* Families, flying from the Massacres of the *Indians* in *Virginia* and *New-England*, were driven on these Coasts, and settled near the Head of the River *May*: As appears from the Relation of Mr. *Brigstock*, who gives us an Account of his being honourably entertain'd here by his Country-men, in the Year 1653.

Thus this Country, being abandon'd both by the *French* and *Spaniards*, was free to any that had a Mind to settle in it. And the Pretence of *Cabot's* Discovery, gave the Crown of *England* a Sort of
B Title;

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Title, upon which that of the Proprietors is founded. However King *Charles II.* thought fit, from these Pretensions, to make a Grant of this Country by a Patent, bearing Date *March 24th, 1663.* and renew'd two Years after to *Edward Earl of Clarendon*, then Lord high Chancellor, *George Duke of Albemarle*, *William Lord Craven*, *John Lord Berkley*, *Anthony Lord Ashley*, *Sir George Carteret*, *Sir William Berkley*, and *Sir John Coleton*; from whom the present Proprietors claim, either by Inheritance or Purchase.

In pursuance of this Grant, Encouragement was given for People to settle in this Province, and when there were so many Inhabitants that a Form of Government was necessary, 120 Articles, call'd *Fundamental Constitutions*, were agreed to, and sign'd by the Proprietors on the 1st of *March, 1699.* which *Constitutions* were drawn up by that famous Politician, the *Earl of Shaftsbury*; and were (as it is express'd in the last Article) to remain the *sacred, and unalterable Form of Government of CAROLINA* for ever.

The 1st Article of these Fundamentals, is, that a *Palatine shall be chosen from amongst the Proprietors, who shall continue during Life, and be succeeded by the Senior of the other Proprietors.* The Executive Power

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er in most Cases is in the *Palatine* and three other Proprietors, who are authorized to execute the whole Powers of the Charter; and their Deputies in *Carolina* have this by Commission from their Principals, and are call'd the *Palatine's* Court.

By the *Constitutions* there are to be three Hereditary Noblemen in every County, created by Patent under the Great Seal of the Province; one call'd a *Landgrave*, and two call'd *Cassiques*, who, with the Proprietors' or their Deputies, the Governor and Commons, compose the Parliament. The Number of the *Landgraves*, according to the Fundamentals, should be 25, and that of the *Cassiques* 50 to make a Nobility; therefore as there are few or none of either at present, they are not summon'd to make an Upper House, but the Governor and the Deputies arrogate that Title to themselves only. The Commons are chosen by the Freeholders of every County, as the Knights of Shires in *England*, and were at first to sit in an House by themselves, and all have equal Votes, and were to meet once in two Years, or oftner if Occasion required.

The Courts of Justice, besides the *Palatine's* Court, are that of the Chief Justice, the High Constable, the Chancellor, the Treasurer, the Chamberlain, and

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the High Steward; besides which, there are the Great Council, and the Hundred Courts. There is likewise a Sheriff, and four Justices of the Peace in every County.

The Laws of *England* are in Force in *Carolina*, but the Proprietors by their Deputies, with the Consent of the *Parliament*, or *Assembly* as tis now call'd, have Power to make *By Laws* for the better Government of the Province; so that no Law can properly be made, or Money rais'd, unless the People by their Representatives consent thereto. One of their Laws is well worth taking Notice of, that is, their Method of choosing *Juries*, which is by making a considerable Number of Paper Billets, on which the Names of the most substantial Freeholders are written. These Billets are put into a Hat, and twenty four are chosen out of them by the first Child that happens to pass by; then out of these twenty four, twelve are chosen at the next Court: An admirable Method to prevent Fraud and Bribery! and it would prevent a great deal of Injustice, were this Method practis'd for our *Middlesex Juries*.

The Difficulties and Dangers attending the first Settlement of this Colony, being a Discouragement to People from coming to it, the Proprietors enter'd into a joint
Stock,

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Stock, and fitted out Ships to transport People and Cattle thither, the Charge of which amounted to 12000 *l.* besides as much more disbursed by single Proprietors, to advance the Colony: For there were several Planters settled in *Carolina*, before the present Lords Proprietors Patent was granted.

Things being thus establish'd according to their Grant, about the Year 1671. Colonel *William Sayle* was made Governor, and *James Carteret Esq;* Sir *John Yeomans* and *John Cook Esq;* Landgraves. But the *Constitutions* being found deficient in several Cases, *Temporary Laws* were added, and the Form of Government settled thus,

A Governor named by the *Palatine*.

A Council consisting of	{	7 Deputies of the Proprietors.
		7 Gentlemen chosen by the Parliament.
		7 of the eldest Landgraves and Cassiques.

An Admiral
Chamberlain
Chancellor
Chief Justice
Secretary

Surveyor
Treasurer
High Steward
High Constable
Register of Births,
Buri-

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Burials, and Marriages:
Register of Writings
Marshal of the Admiralty.

All which were nominated by the Proprietors respectively. The *Quorum* of the Council were to be the Governor, and 6 Counsellors, 3 at least being Deputies of the Proprietors; and because there were not Inhabitants enough to make a Parliament, according to the *Constitutions*, it was order'd to consist of the Governor, the Deputies of the Proprietors, and 20 Members chosen by the Freeholders, of whom ten were to be elected by *Berkley* County, and 10 by *Coleton* County; which Number was increased, as more Counties were laid out, and more People came to settle in the Province; so that for many Years there have been sufficient for a regular Parliament or Assembly. To Governor *Sayle* succeeded Sir *John Yeomans*, and to him *Joseph West* Esq; in 1680. He was one of the first Planters, and in 1682 held a Parliament at *Charles Town*, in which several Acts were pass'd and ratify'd by him, and the Proprietors Deputies: He was succeeded by *Joseph Moreton* Esq; 1683, under whom several Acts were likewise pass'd; the Year following, Sir *Rich.*

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Rich. Kyrle of Ireland was made Governor, but he dying within the Year, *Joseph West* Esq; was nominated again, in whose Time, the Lord *Cardross*, afterwards Earl of *Buchan*, with ten Scotch Families settled in *Carolina*; but his Lordship soon return'd home, and his Followers were dislodged by the Spaniards. The next Governor was *James Coleton* Esq; Brother to the Proprietor, who called a Parliament, A. D. 1687.

To Mr *Coleton* succeeded several Gentlemen, but in what Order is not certain; viz. *Smith*, *Quarry*, *Southwell*, *Ludwell*, and lastly *Thomas Smith* Esq; (as tis supposed a second Time) about the Year 1694; at whose Instigation one of the Proprietors, *John Archdale* Esq; was sent over in August 1695, to settle the Country and redress Grievances, which he at last with much Difficulty effected.

Mr. *Archdale* returning home, *Joseph Blake* Esq; also a Proprietor, was appointed Governor in his Stead: In whose Time, Major *Daniel* brought new Constitutions from England, consisting of 41 Articles, call'd the last *Fundamental Constitutions*, and sign'd by *John* Earl of *Bath*, *Palatine*, and the rest of the Proprietors; but they were never confirmed in Parliament at *Carolina*.

Mr.

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Mr. *Blake* dying about 1700, after some Dispute for the Office between *Joseph Moreton*, as eldest Landgrave, and Col. *James Moor*, the latter was chosen Governor, and as such confirm'd by the Palatine. His Successors were Sir *Nathaniel Johnson*, &c. * * * The Disputes and Transactions, that happen'd under their Administration who succeeded this Governor, are so well known to all that are in any wise concern'd in them, and would be so little entertaining to indifferent Persons, that the Reader will not be displeased at this being passed over; but we must not forget, that upon an Address from the House of Lords, and a Representation from the Commissioners of Trade, May 24, 1706. to her late Majesty, Praying, That Directions might be given for reassuming the Charter into her Majesty's Hands by SCIRE FACIAS, she was pleased to order, that for the more effectual proceeding against the said Charter by way of Quo Warranto, Mr. Attorney and Solicitor General do inform themselves fully concerning what may be most necessary for effecting the same.

This was the State of *Carolina* at that Time, but it is in so much Confusion at present, that no regular Account can be given of it: However, the very Misfortunes of the Colony serve to shew how valu-

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valuable it is, since it has in some Measure flourish'd notwithstanding the great Discouragements attending it; which no doubt is owing to the Advantage of the Climate, and very probably to its being at first planted by genteel and noble spirited People, well skill'd in the Art of Traffick.

The present Inhabitants are esteem'd to be 2500 White-men, able to bear Arms, and the Slaves 40000. Their Stock of Cattle is almost incredible, every Planter possessing from one to two thousand Head; and no Wonder, since they live all the Winter without Fother. Their Mutton, Beef and Veal is very good, and their Pork the best in *America*, no Part of which affords such Plenty of naval Stores and other useful Commodities; as is undeniable, since (to say nothing of other Particulars) the Price of Pitch, by what comes from *Carolina*, has been, of late, reduc'd from 40 to 10 Shillings per Barrel: Several rich Mines have likewise been discover'd, but neglected for want of Miners; and by Reason of their great Distance from the *English* Settlements: However, none of the Plantations abound so much in Money as this Colony, ruin'd by the PAPER PROJECT; and

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they

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they would soon be again in a flourishing Condition, were their Government settled to the Satisfaction of the People, being in other Respects bless'd with all the Advantages both of Art and Nature.

Charles Town, their Metropolis (if we may so call it) stands on a Point very convenient for Trade, which they carry on considerably both to *Europe* and the *West Indies*. It is situated between two pleasant, navigable Rivers, which bring large Vessels up to the very Town, where there is a handsom Church well endow'd, and a good Harbour five Miles distant from the Inlet; the Streets are regular; the Buildings are of Brick and Wood, very neat and commodious; the Town is guarded by a strong Fort and regular Fortifications, and the Militia well disciplin'd, the Horse being Gentlemen all well cloath'd and mounted; and such good Soldiers were they formerly, that they advanced to attack *St. Augustino*, and were able to defend themselves against the *French* under Monsieur *Morville*, before their Spirits were dejected, and their Strength wasted by Oppression and Poverty.

The

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The Country about *Charles Town* is a spacious Plain of 300 Miles Extent, abounding with Woods, and enriched by Rivulets: The Temperature of the Air is much the same with *Lombardy*, and the Soil no less fruitful, producing naturally Vines, Olive and Mulberry-Trees, and immense Quantities of Rice when duly cultivated: And tho' the Grapes (which are very large and the Flesh hard like a Cherry) are not fit for Wine, they might easily have very good, by transplanting such Vines from *France*, or other Countries, as wou'd agree best with the Nature of the Soil and Climate, especially in the more southern Parts, where vast Tracts of Land remain yet uninhabited; besides *Port-Royal*, a most commodious Harbour, where People begin to make Settlements; for the Inhabitants of the Colony are very good Neighbours, the Merchants being very fair and generous Traders, and the Country Gentlemen exceeding hospitable, free and courteous.

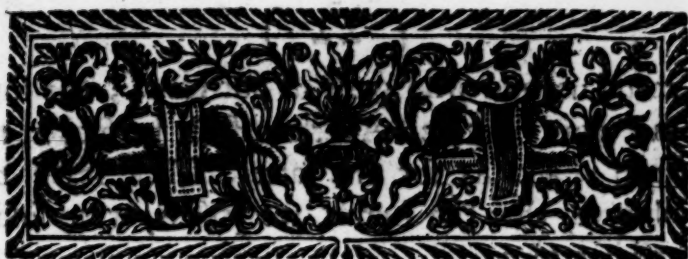
Carolina, in short, whether consider'd for Delight or Profit, is a most desirable Country, being capable of producing whatever we can wish for, either as to the Conveniencies or Pleasures of Life:

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The Air is sweet and wholsome, the Climate moderate, and the Soil extremely fertile: The Fruits come easily to Perfection; the Corn yieldeth manifold Increase; the Cattle multiply exceedingly, and the Inhabitants are vigorous and healthy.



A L E T.



A
LETTER
FROM AN
ASSEMBLY-MAN
IN
CAROLINA, &c.

S I R,



OUR last of the 16th of *November*, 1725, was transmitted me safely, by the Hands of Mr. *J—B—*; in which you charge me with being one of the principal Promoters of the Petition to the Crown of *Great-Britain*, for nominating a Governor, and continuing to protect the loyal Subjects of this Colony; instead of applying to the Lords Proprietors, our Natural Lords, (as you stile them) whose Property you say it is to command

mand us, and who gave us our Land ; the former Part of which Assertion shall be spoken to anon ; and as for the latter, I beg leave to observe, that the Lands, we possess, were sold, and not given.

The withdrawing our selves from the Subjection of our Lords, you term Rebellion, Theft, Ingratitude, and what not ; and as you seem to enter so heartily into these empty Clamours, for that Reason, I thought 'twas proper more largely to communicate the real State of the Affair, as well as the real Sense of the Assembly of *Carolina*, which, however it may be regarded by you in *England*, with us in *Carolina* is our little Senate ; and every Scoff which you think fit to throw upon this small and inconsiderable Assembly (being three thousand Miles distant) is no less to us than so many Threats of the entire Subversion of our Liberties, which we, as *Englishmen*, cannot in the least relish ; but especially when we consider from whence all this had its Rise, namely, from a little whimsical empty Passion and Pride in some Persons pretending the Authority of our Lords Proprietors, and aiming at the Shadow of Regal Power, without the least Power or Capacity to support it. I cannot persuade myself, that our good Lords Proprietors do by any means authorise (but are rather

rather unacquainted with) such wicked Intentions and Proceedings, most of them being Persons of Quality, and some of them having been great Asserters of Liberty themselves; most probably their Agents impose upon them by confounding Property and Power; the former of which consisting in Lands not yet sold, Quit-Rents, Mines, &c. the People of the Country desire not to violate; but as to the latter, they are indeed very jealous of them, and so resolve to keep them within the strictest Limits of the Charter, as long as they are able to defend themselves; and let what will happen, they can at worst forsake their Plantations, and retire up farther into the Woods and Hills, and trust to the Mercy of the Indians, rather than be enslaved by the *Switzers*, or any other Mercenaries who shall be sent amongst them, as some Folks threaten.

These Men would cover the Oppression and Plunder of so many hundreds of industrious Planters, under Pretence of Incroachment of Property, which they support by Noise and Clamour, in order to raise such a Mist, as may hinder People from seeing into their real Intentions. Thus do they oppress the industrious Planter and poor Merchant, who bring yearly 6000 *l.* Sterling into the Customs of *Great Britain*; not to mention that the said
Pro-

Province consumes, of the Produce of *Britain*,
above one hundred twenty thousand Pound *per*
Annum.

The Gentlemen, who threaten us at this
Rate with an additional Force of Foreigners,
are either ignorant or forgetful of two Statutes,
which are a great Comfort to this Colony:
The Words are these, *Or to move or stir up*
any Foreigner to invade this Realm, or any other
his Majesty's Dominions or Countries under his
Majesty's Obedience, all such Persons to be deem'd
and adjudged Traitors. Stat. 13. Eliz. c. 1. 13.
Car. II. c. 1. §. 7.

I must own, Sir, there was a Patent or Char-
ter granted about the Year 1663, by his late
Majesty King *Charles* the Second, and renewed
two Years after to *Edward* Earl of *Clarendon*,
and seven other Patentees; — which we con-
ceive to be no less binding to them than to their
natural Subjects, as we are call'd. I won't ven-
ture to say how far *Compact* is concern'd in
all Governments; but certainly it is the sole
Foundation of such as owe their Power to
Patents only, which is all our natural Lords
can pretend to claim by; and how far they
have perform'd their Part of the Bargain,
will be very visible, from comparing the Threats
and Proceedings of some People, who pretend
to

to act by their Authority, with the Conditions of the Charter, which *streightly enjoins, &c. That the said Province be of our Allegiance and liege People of us, &c. That no Ordinance shall be made, but by and with the Consent of the Freemen of the said Province. That no Taxes shall be laid, nor Property violated, but by and with the Consent of the Free People, &c.* So that their Right is not indefeasible ; and doubtless the Patent was granted for the Propagation of the Christian Religion, &c.—according to the Form of other Patents and Grants: But by the By, I have heard some affirm this Patent to be violated by the Proprietors Conformity Bill : However, in both these Charters the Inhabitants of the Colony are treated as Freemen.

I own what is alledged farther, that the Expence of forming this Settlement stood our Lords in near 12000 *l.* though I suppose they are not unmindful that the single Proprietors, whose Heirs are now Members of the Assembly, were at no less Charge. But if our Lords were then so great in Wealth and Power, as to be able to defend the Colony against the *French, Spaniard, and Indians* ; the Crown then surely needed not to have been petition'd to send a Governor and Forces to defend the Colony, when the *Indians* began the last Massacre, and when the Assembly apply'd to the Proprietors;

tors, who could not then defend them : Tho' now that things are quiet, some Folks are very desirous of appointing Governors : So that when there is likely to be any Danger or Expence in defending us, then we are the King's Subjects ; but when there is any thing to be got by us, then we belong to our *natural Lords* again.

As a principal Condition of the Charter was to protect the Colony, that must necessarily cease when Protection is withdrawn, either willingly, or for want of Ability : And ceasing to protect, we all know, is generally esteemed no less than a downright Abdication of Power. Besides, 'tis a known Maxim, that *where there is no Peace, there can be no Justice, nor any Justice, if the Government, instituted for the good of a Nation, be turn'd to its Ruin* : And, as it is undoubtedly in the Power of the Sovereign, who grants Patents, to withdraw them on their being abused ; (which has been done, to the no small Advantage of a neighbouring Colony, and without Detriment to the Proprietary) if his Majesty should think fit to resume his Colony of *Carolina* into his immediate Care, I hope none will presume to question the Procedure, since our most gracious King is undoubtedly Supreme over all Persons, and in all Causes, as well in his Dominions in *America*, as in his
King:

Kingdoms of *Great-Britain* and *Ireland*: And, since the People of *Carolina* are no less remarkable for their Duty, Zeal and Affection to his Majesty's Person, Administration and Family, than any other of his Subjects, they have surely no less reason to hope for an equal Share of his Compassion and Tenderneſs; and how can that be expreſs'd more effectually than by preſerving them from Oppreſſion and Tyranny?

And this naturally brings into my mind, that theſe pretended Friends to the Proprietors, who now ſcruple to allow the beſt of Princes the Nomination of a Governor, would nevertheleſs, in the Year 1720, have ſold that, and all other their Rights, to a Set of Jews and Brokers: For in that Year they barter'd, according to the Practice of the Coaſt of *Africa*, for the Sale of free, and natural Subjects, as you call us; and ſo the honeſt Planters and Merchants of *Carolina* were to be ſold to their honeſter Friends the S. Sea Directors.

How far Men of ſuch Principles are to be truſted with the Sovereignty of Colonies, our Superiors I hope will decide: But upon theſe Proceedings, ſome of the Inhabitants, like true *Engliſhmen*, averſe to Tyranny, and not willing to be driven to the Slave-market, from that time ſet up a Governor of their own, till his Majesty's Pleaſure, who they knew would protect

test his Subjects in their just Rights, could be known; and the bold and adventurous Governor of the Proprietors, (a very proper Person to command a frontier Colony) submitted without Resistance to the Orders of the Assembly for fear of Bloodshed, as you term it: O! compassionate Governor, who scrupled Bloodshed, but would not scruple to have sold us to Directors worse than Executioners. Can we call that Liberty and Property, when honest free-born Subjects of *England* were exposed to Sale, and liable to be bought and sold like Negroes? Who knows what might have been the Consequence of such a Bargain? For 'tis shrewdly suspected, that the *Pretender*, &c. * * * * *

* * * * * were greatly concern'd in it. Was there not Reason then, think ye, for obtaining a *Scire Facias*, when we were no longer protected, and were going to be sold? It is true, this *Scire Facias* was not prosecuted when the King appointed a Governor, since that was all the Colony desired by it; and the Proceedings of that Governor shew, that his Majesty is the best Judge who are fittest to govern any part of his Dominions; for Mr. *Nicholson* acted so generously, that instead of two thousand Pounds Salary which was offer'd him, he was contented with one; and, not being afraid of shedding Blood, that of our Enemies I mean, rescued us from the

Massa-

Massacres of the *Indians*, and the Insults of the *French* and *Spaniards*.

You seem to mention in your Letter, that the Agent in *England* did not speak the Sense of our Colony, when he petition'd the King to take the Government into his own Hands: You are quite mistaken; for it was the real Opinion of the Colony, and it will be ratified in a full and free Assembly, whensoever such a one shall be called; tho' if some Folks should influence the Nomination of a Governor, it is not impossible but he may follow the riotous Practices with which Governor M—aw'd the Assembly, and by which some of his Friends have endeavoured to succeed in their own Country to Voices in a more honourable Assembly, but were discourag'd by the Patriots of Liberty in *England*, whom I hope we shall always endeavour to imitate, by shewing ourselves loyal and affectionate to our King, and zealous for the Liberties of our Country, in Opposition to all Promoters of arbitrary Power.

Our Agent, however his Authority may be disputed, has undoubted Instructions from the Colony; who refuse not to acknowledge themselves Tenants, but then they pay their
Rent

Rent for Protection only, for their Lands were purchased, and by hard Labour cleared from the Woods: And would it not be grievous, should they suffer for their Industry? But the Proprietors, you say, complain of the Non-Payment of Quit-Rent; the People of *Carolina* will not differ with their *Lords* upon this Account, tho' they have a very good Pretence for it, at least during the Time of the *Indian War*, of which *Carolina* was the Seat, and the total Expence of which was defray'd by his Majesty and the Assembly only; for when a Country becomes the Seat of War, all Rents cease of Course, according to the general Custom of *Europe*, whatever it may be in *America*: Besides, you may be pleas'd to consider, that the People of *England* are all Tenants as well as we; and where Lords of Manors have neglected repairing Bridges, &c. the Manor-Tenants have ceas'd to pay Quit-Rent; and when Court Leets have not been duly and legally held, the King's Bench has justified the Tenants in refusing the Payment of Rents; and when Lords of Manors have neglected to nominate Constables and other Officers, as their Duty oblig'd them, the Legislature intermeddled, and, for the good of the Commonweal, impower'd the Justices in their Quarter-Sessions to nominate those Officers for them: And how much more necessary

cessary is it in our Case? This proves the Duty of Lord and Tenant to be reciprocal; so that the Lords Proprietors ceasing to protect the Colony, and leaving it to the King to protect us; where could the Homage of the Tenants be due, but to his Majesty only? For by the Law of *England*, where the inferior Lord forfeits his Right, it returns to his Superior; and the Manor of *Carolina* (if the Palatinate of our Natural Lords may be call'd so) holds under the Manor of *Greenwich*, as you'll see more fully hereafter.

I believe none of our Assembly will deny that the Proprietors have a Right to the Province, as far as any *Englishman* may be said to have a Right over another that is not his indented Servant; but this will more plainly appear by the Words of the Patent itself, which, as far as they relate to this Argument, are these: *We do, by these Patents, &c. make, create and constitute the said Earl of Clarendon, &c. Proprietors of the said Province, &c. saving always the Faith and Allegiance, and sovereign Dominion due to us, our Heirs and Successors for the same, to be holden, &c. as of our Manor of East Greenwich in Kent, in free and common Soccage, and not in Capite or by Knights Service, yielding or paying yearly to us, &c. for the same, the fourth Part*
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of all Goods, Mines, &c. which shall from Time to Time happen to be found, over and above the yearly Rent of twenty Marks. And I will venture to affirm farther, that the Manner, in which some pretending to be their Agents have exercised their Authority, is contrary to the Grant, as well as derogatory to the Right of a free People; and the Abuse of it is no less than the Forfeiture of the Authority itself; nor does our Assembly conceive, that the great Distance we are at from the Fountain of Justice should deprive us of the Benefit of it.

You say, that your Friends, in refusing some Acts of Assembly, have proceeded by his Majesty's Order, particularly in the Affair of repealing the Paper-Money; I wish, as in this, they proceeded by his Majesty's Order, so in all other Things they had proceeded by the same Orders; then had we not been that wretched People we are, nor groaned under this Load of Paper-Money, which I fear must inevitably be our Ruin.

As to the Proprietors indefeasible Right of Government, of which you speak, I am at a Loss what you mean: We cannot conceive that any Charter will impower them to make Slaves of British Subjects, much less to sell us

to the *Swiss Cantons*, which some Folks have insinuated. I am sure, in the Charter, as I have already said, the King does *streightly enjoin*, &c. *That the said Province be of our Allegiance, and Liege People of us*; and such I presume are not the *Switzers*: You may be pleased to consult, on this Account, the two Statutes before cited of the 10 *Eliz.* and 13 *Car. II.* And by the Act of Settlement, it is farther enacted, That no Foreigner shall be naturaliz'd, nor have Power, Civil or Military, but by Act of Parliament: And such, we conceive, are not the Resolutions of our natural Lords the Proprietors; nor can, what you call the great Expence they were at, which was no less so to the Planters, give their Agents a Right to tyrannize over us; if they grumble at this first Expence, which was in all but 12000 *l.* what will they do at the expending 13000 *l.* yearly, which will be the least Expence of maintaining a Battalion, and that will not be sufficient to defend us.

In tender Consideration of the Estates of our very good Lords the Proprietors, the Assembly wishes they would leave the Expence of protecting us to the King, and not load their Land with Mortgages for our Defence; since the whole Value of their Propri-

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estorships

etorships amounts but to 3600 *l.* according to a late publick Valuation, which can never repay the Expence of maintaining the *Swiss* amongst us; especially on the Foot proposed by the *Swiss* Count *de* —, who insists upon such extravagant and arbitrary Conditions, as in all probability are design'd to enslave us.

But as you write with some vehemence that it is violating Property, to take the Nomination of a Governor from our natural Lords; the Inhabitants of this Colony, poor as they are, would gladly buy out this Property at a greater Rate than its Value, according to a Market-price; two of their Proprietorships being not long since set up at Auction by a Decree of Chancery, and sold but at 400 *l.* each; an excellent Price for the ninth Part of a Kingship! at which Rate we are willing to buy them all out, rather than to put them to the Trouble and Expence of transporting an additional Force of *Swiss*, who may indeed be dangerous Guests, since Care has been taken to leave us nothing to bribe them with but Paper-money, the Value of which they can't read.

I doubt not but the *Swiss* Treaty is one of the Reasons why some Persons are averse to Mr. *Nicolson's* returning as Governor; since they know he will not suffer any Troops to come

come among us, but such, whose Fidelity to his most Gracious Majesty King George, and Affection to the Protestant Succession he could be assured of; and these *Swiss* may perhaps be *Papists* and *Jacobites*.

But you'll say, that a King's Governor may frighten many of the Merchants from *Carolina*; surely Mr. *Nicolson* is less likely to frighten them than an overgrown blustering *Swiss* with a huge pair of Mustacho's, living upon free Quarters: But according to you, Men who have defended themselves against the *Indians*, and attack'd the *Spaniards*, can have no occasion for beaten mercenary Hectors to defend them; and if these Gentlemen *Switzers* should have belong'd to the *French* the last War in *Flanders*, as some People suggest, they certainly have been beaten, and may be disaffected to the Government, and so help to promote those barbarous and unnatural Designs of which we have already had Experience from some late Proceedings. In my humble Opinion, some People would fain be Kings, but don't know how; would govern without Power, and have all the Advantage of a Patent, but perform nothing stipulated in it; when all things are calm, they would then be at the Helm, but upon the least Ruffle of a Storm, call out to the King for Protection, and put

the Expence upon him, whilst they would reap the Profit of selling his Subjects: But rather than we will submit to be sold like Negroes, we would ——— I say, we will be willing to purchase our Freedom, tho' with the Sale of all our Effects; for 'tis better to starve with Freedom, than live in Bondage.

Upon the whole therefore, you would do well to quit this Shadow of Supreme Power, which you vainly aim at, for the sake of real Property, which then may quietly be enjoyed: For, besides the Resolution of the Colony, not to be enslav'd, (which, I assure you, is unanimous) if your Scheme go on, and a War should break out between *Great Britain* and *Spain*, we are inevitably undone; especially should the *Swiss* be brought amongst us, since they'll readily go over to the best Paymaster; for besides our Poverty, and consequently Inability to defend ourselves, the Mischief on it is, that if the King doth not nominate a Governor, we shall probably lose our best Defence, the Independent Company and the Assistance of the *British* Men of War, whose Officers seldom care to receive Orders from any Governors, but such as are appointed immediately by his Majesty.

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But the Misery which threatens *Carolina*, should we lose his Majesty's Protection, and the Proprietors nominate a Governor, is too terrible to every Inhabitant to be thought of, or reason'd coolly upon; for from the time that the King ceaseth to nominate a Governor, he will probably withdraw his Forces both by Sea and Land, and leave us to defend our selves: But alas! What Defence can a Colony make, who are already exhausted, already an hundred and twenty thousand Pounds in Debt? Whose Credit is so broken, that their Bills are at eighty *per Cent.* Discount? What is to be expected, when the White People are averse to Proprietor-Governors, and the Faith of the *Indians*, with whom Peace is but newly made, uncertain; the Fortifications of *Charles-Town* lately demolish'd by a Storm, and this Weakness well known to our implacable Neighbours the *Spaniards*, who want not Baits to allure them to invade the Planters, they possessing above forty thousand Negroes besides Cattle? Doubtless, on the King's withdrawing his Garrison and Men of War, (to two of which we owe our present Safety) they will think us abandon'd by the Crown, and then the Instances of private Lords Proprietors will have but little Weight to prevent their invading us; since 'tis well known, how little they regarded

regarded the Remonstrances of his Grace the Duke of *Portland*, concerning the Piracies committed by them on the *Jamaica Men*: For since the Peace, the *Spaniards* have taken from them above forty sail of Ships, besides landing at different times, and carrying off above three hundred Negroes; nor has the Duke, tho' a King's Governor, ever been able to obtain any Satisfaction from them. How much less Reason then have we to expect it, who have none but feeble private Persons to apply to for Relief?

But such Ravages are but small Losses in Comparison of what we have to expect! The *Spaniards* from *St. Augustino*, which is contiguous to our Frontier, and which, in happier Days we besieged, will, through the very Road we made, invade our Country naked of Troops and Men of War: And we, alas! unable to defend our selves, must stay under these sad Circumstances, for Succours from *England*, and those Succours, according to your Scheme, must be *Switzers*. Alas! what a wretched Condition! murder'd by the *Spaniards*, and plunder'd, instead of being protected by our *Swiss*, famous for Ravages, Murthers, and Treachery, and, of late, for Cowardice too, from which Cruelty is inseparable. But I hope we have better things to expect from his Majesty,
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in whose Mercy and Goodness, next under
God, is our Trust.

I beg you'll excuse me, Sir, if Affection for
my Country has made me too warm or bit-
ter in my Expressions; make this your own
Case, and I am confident you'll not blame our
unhappy Colony, nor be averse to pardon,

CAROLINA,
Charles-Town,
Jan. 15. 1725-6.

S I R,

Your very humble Servant,

J—→ N—.



THE
OFFICE OF THE
SHERIFF
COUNTY OF
NEW YORK
IN SENATE
JANUARY 1871



January 7

1871